



The Task Force in the News

Media Highlights

Nov. 1-7, 2005

Roberta Sklar, Director of Communications

Quote of the Week:

“President Bush capitulated to the howling from the extreme, evangelical right and threw them red meat in the form of U.S. Circuit Court Judge Samuel Alito. The country will now be put through a wrenching, divisive and damaging confirmation process — one more travesty inflicted on this nation by the president and his right-wing allies.” — Matt Foreman on Alito nomination

“Living day by day with the worry that your family can be broken apart is a very difficult situation,” said Sarmiento, who got his immigration status resolved last year. “People in the Hispanic community, like me, are more vulnerable.” — Sergio Sarmiento, a Colombian immigrant [and a co-founder of Immigration Equality] said his 6-year relationship nearly ended because of his immigration status. Immigration policy does not give status to same-sex partners of U.S. citizens. — From the Associated Press

The two major stories citing the Task Force this past week were our response to the nomination of Judge Samuel Alito by President Bush, which was carried widely in the LGBT community presses, and the release of Hispanic and Latino Same-Sex Couple Households in the United States: A Report from the 2000 Census. The study received coverage by the three major wire services: the Associated Press (national and worldwide distribution streams), Scripps Howard and Knight Ridder. The latter two wires serve regional newspapers in separate parts of the United States. A fourth story, which appeared in the Miami Herald on Nov. 5, is syndicated and as such works as a wire story. With four distinct wire and syndicated stories, coverage of the study will likely surpass any other in the history of the Policy Institute. In addition, television coverage of the Houston-based press conference where the study was released on Nov. 1 included local affiliates of ABC, CBS and Univision Telemundo. Community presses have responded as well. The profile of Hispanic same-sex couple households, a vital part of our community, and the public policy implications and impacts for their lives are reaching audiences far and wide.

Table of Contents:

Hispanic Same-Sex Household Study

1. **Bans May Be Harder on Hispanic Gay Couples**
[The Associated Press](#) Nov. 1, 2005
2. **State's gay Hispanics face greater disparities**
[The Miami Herald](#) Nov. 5, 2005
3. **Study finds 100,000 Hispanic same-sex couples in U.S.**
[Scripps Howard News Service](#) Nov. 4, 2005
4. **Proposition 2 would hurt gay Hispanics most**
[Houston Voice](#) Nov. 4, 2005

Alito Nomination

5. **Let's Hear It for A New Supreme**
[San Francisco Bay Times](#) Nov. 3, 2005
6. **Progressives Take Aim at Alito**
[Gay City News](#) Nov. 3-9, 2005



Bans May Be Harder on Hispanic Gay Couples

By JUAN A. LOZANO, Associated Press Writer Tue Nov 1, 7:56 PM ET

A proposed constitutional ban on same-sex marriage in Texas could hurt gay Hispanic couples more than Anglos because they have more children, make less money and are less likely to be U.S. citizens, the National Gay and Lesbian Task Force said Tuesday.

The group issued a report derived from 2000 U.S. Census data on Hispanic same-sex couple households a week before Texans vote on amending the state constitution to ban gay marriage, which is already against state law.

The Census found about 105,000 U.S. same-sex households in which at least one partner was Hispanic. Most were in the Los Angeles, New York and Miami areas, but Houston, Dallas and San Antonio were among the top 10.

The study concluded that the many benefits of marriage, from tax advantages to the Family Medical Leave Act to Social Security survivor benefits, would be especially helpful to many Hispanic same-sex couples.

The data showed that 66 percent of Hispanic female couples and 58 percent of Hispanic male couples were raising at least one child. That compares to 32 percent of Anglo lesbian couples and 19 percent of Anglo male couples, report author **Jason Cianciotto** said.

Gay and lesbian couples in which both partners were Hispanic reported annual household incomes in the high \$30,000s, more than \$20,000 less than same-sex couples who were either white or had just one Hispanic partner.

"Certain Americans are disadvantaged because of their racial or ethnic heritage," Cianciotto said. "When you combine that with the disadvantages people face because they are gay or lesbian, it becomes this double-edged sword."

But Pastor Adalid Verastegui with New Life United Methodist Church in Houston said his Hispanic congregants believe the proposed amendment to ban gay marriage is a good idea.

"The Hispanic tradition is to always have in the family a man and a woman in the home," he said. "Our culture doesn't accept this kind of behavior."

Slightly over half of Hispanic male gay partners, 51 percent, and 38 percent of Hispanic lesbian couples were not U.S. citizens, compared to less than 10 percent each for Anglo gays and lesbians.

Sergio Sarmiento, a Colombian immigrant, said his six-year relationship nearly ended because of his immigration status. Immigration policy does not give status to same-sex partners of U.S. citizens.

"Living day by day with the worry that your family can be broken apart is a very difficult situation," said Sarmiento, who got his immigration status resolved last year. "People in the Hispanic community, like me, are more vulnerable."



Domestic partners Christopher Rigdon, left, and Sergio Sarmiento speak about the results of a study released by the National Gay and Lesbian Task Force, Tuesday, Nov. 1, 2005, in Houston. The report reveals statistics from the 2000



Domestic partners Christopher Rigdon, left, and Sergio Sarmiento speak about the results of a study released by the National Gay and Lesbian Task Force, Tuesday, Nov. 1, 2005, in Houston. The report reveals statistics from the 2000

Posted on Sat, Nov. 05, 2005 SURVEY

State's gay Hispanics face greater disparities

BY STEVE ROTHHAUS srothaus@herald.com

There are more than 100,000 Hispanic same-sex couples living in the United States, according to a study just released by the National Gay and Lesbian Task Force in New York.

Approximately 5 percent of these couples -- about 4,200 families -- live in South Florida, where more than a third of all same-sex couples are Hispanic, said study author Jason Cianciotto, a Task Force researcher who gleaned the information from U.S. Census surveys done in 2000.

Among the study highlights:

- Two-thirds of female same-sex couples in which both partners are Hispanic are raising children.
- Nearly half (44 percent) of the Hispanic men and women in same-sex relationships report that they are not U.S. citizens, compared to 5 percent of men and women in white non-Hispanic same-sex couples.
- Same-sex-couple households in which both partners are Hispanic earn more than \$25,000 less in median annual household income than white non-Hispanic counterparts.

"We recognize that Hispanic families in general across this country face economic, language and immigration disparities, but these disparities are significantly compounded for gay and lesbian couples," said Matt Foreman, the Task Force's executive director.

"For example, no matter how long a Hispanic gay or lesbian couple lives together, one partner cannot sponsor the other for permanent residency status. If they were married, they could do so immediately.

"And in Florida, a gay or lesbian couple cannot adopt each others' children," Foreman said. Florida is the only state that asks adoption applicants if they are homosexual and bans gay people from adopting.

The study also highlights several similarities between same-sex and opposite-sex married Hispanic couples:

- Same-sex couples are nearly as likely as opposite-sex couples to report living in the same residence for the past five years (39 percent vs. 48 percent).
- Hispanic same-sex households primarily speak Spanish at home at nearly the same rate as opposite-sex married couples (77 vs. 81 percent).
- Hispanic same-sex couples are raising nonbiological children at almost the same rate as opposite-sex married couples (5 vs. 4 percent).

"This puts a face on a community that probably was ignored or considered nonexistent. . . . That's important for lawmakers, advertisers, for the community as a whole that we exist. This is who we are," said Herb Sosa, president of Unity Coalition of Miami-Dade, a gay civil-rights group that focuses on Hispanic issues. "We knew all this stuff. It's nice that *other* people know it."

Foreman and other Task Force members are in Miami Beach for tonight's 9th annual Recognition Dinner. This year's Humanitarian Award winner is Richard Milstein, a Miami attorney and civic activist. The Herald sponsors the award.



MILSTEIN



NATIONAL

Study finds 100,000 Hispanic same-sex couples in U.S.

By LISA HOFFMAN

Scripps Howard News Service November 04, 2005

- There are more than 100,000 households in America in which Hispanic same-sex couples reside, according to a new study.

That is a fraction of the 894,000 same-sex couples living together in the country as a whole, but it matches the proportion - 14 percent - that Hispanics occupy overall in the U.S. population.

Using U.S. Census data, researchers found these homosexual Hispanic partners are far less likely than their Anglo same-sex counterparts to own their own homes and to be U.S. citizens, according to the study by the National Latino, a Coalition for Justice and the Policy Institute of the National Gay and Lesbian Task Force.

They also are significantly more likely to be raising children, the study said.

The report comes as Texas and several other states across the country are weighing constitutional bans against gay marriage. It also comes amid other studies showing that Hispanics who are native to the United States are far more accepting of homosexual unions than those who are recent arrivals.

Latino "same-sex couples are no different than any other loving couple," said Lisbeth Melendez Rivera of the coalition.

To gauge the view of Hispanics toward homosexual issues, the Pew Hispanic Center conducted a national survey on attitudes toward same-sex unions.

Researchers found that 72 percent of Latinos overall found the idea unacceptable, Pew research associate Sonya Tafoya said.

That attitude was even more pronounced among foreign-born Hispanics, of whom 77 percent felt same-sex unions were bad. But of Latinos born in the United States, just 64 percent opposed gay marriages.

The difference reflects a trend toward more tolerance among those who are more assimilated to the overall U.S. culture than are those who are newer to America, Tafoya and other experts said.

Among the findings of the same-sex household survey, which was released this week:

- Same-sex Hispanic households earn more than \$25,000 less a year than Anglo same-sex partners.
- Hispanic same-sex partners are at least two times more likely to be raising children than Anglo same-sex couples.
- Six percent of Hispanic women in gay partnerships say they have served in the military, compared to just 1 percent of Hispanic women married to men.
- Only 43 percent of Hispanic same-sex households own their own homes, compared to 72 percent of Anglo same-sex partners.
- About one-third of Hispanic men in gay households and about 26 percent of gay Hispanic women say they are not U.S. citizens, compared to just 5 percent of those in Anglo same-sex homes.



LOCAL NEWS | www.houstonvoice.com

Proposition 2 would hurt gay Hispanics most **Texas home to three of top 10 cities with most Hispanic gay couples**

By ERIC ERVIN

Nov. 04, 2005

Proposition 2, an amendment to the Texas Constitution banning same-sex marriages, would disproportionately affect gay Hispanics, a national gay rights group said this week.

Officials with the National Gay & Lesbian Task Force released their findings based on the report "Hispanic and Latino Same-Sex Couple Households in the United States: A Report from the 2000 Census." The information was released Tuesday during a news conference in Houston.

With three of the top 10 metropolitan areas with the highest number of Hispanic same-sex households located in Texas, including San Antonio, Dallas-Fort Worth, and Houston-Galveston-Brazoria, and the vote on the amendment Nov. 8, officials said they felt compelled to release the information.

"Many of the 1,138 federal benefits and protections of marriage are designed to help families save money, purchase a home and better provide for their children," Jason Cianciotto, author of the study and research director for the Task Force Policy Institute, said in a press release. "This study shows that Hispanic same-sex couple families would not only benefit from the ability to marry, but also are disproportionately harmed by anti-same-sex marriage laws and constitutional amendments.

"For example, the inability to marry prevents individuals from sponsoring a non-citizen same-sex partner for immigration purposes, which disproportionately threatens the stability of Hispanic same-sex couple families, many with children."

The findings are from a report that analyzed data from the 2000 Census, the most recent year available from the government agency.

"This report underscores yet again the critical need for racial and economic justice in our nation," said Matt Foreman, task force executive director. "While all same-sex couple families face legal and economic discrimination, the study indicates it is much harder for Hispanic same-sex couples because they earn less, are raising more children, and must overcome much steeper immigration and language barriers,"

Officials said based on the report, Hispanics are less likely than their white counterparts to be United States citizens and more likely to raise children on smaller incomes.



Jason Cianciotto, research director with the National Gay & Lesbian Task Force, recently authored a study based on 2000 Census figures which shows that Hispanics will be most affected if Proposition 2 passes.

If passed, Proposition 2 would ban gay marriages and forbid state recognition of any legal status identical or similar to marriage. It's up for vote Nov. 8.

'We don't have those freedoms'

According to the report, Hispanic gay couples are raising children at more than three times the rate of white and black same-sex couples. It also states that white gay couples earn an average of \$65,000 a year, while Hispanics bring in less than \$40,000 annually.

The report states that about 51 percent of gay Hispanic couples are not United States citizens. For couples consisting of Hispanic and white men, 8 percent were not U.S. citizens.

Houston couple Sergio Sarmiento and Christopher Rigdon was one of many gay couples that participated in the study. The two educators have been together for six years. Rigdon is a native Houstonian and Sarmiento comes from Columbia.

The couple said that if gay marriages were legal in Texas, then they couple realize the benefits of straight couples in regards to insurance benefits and property distribution if one died.

"That is one of the reasons why Sergio came to America—to benefit from its freedoms," Rigdon said. "It's frustrating because we don't have those freedoms."

Sarmiento had to be sponsored by his employer to gain citizenship.

SAN FRANCISCO Bay Times

THE GAY/LESBIAN/BITRANS NEWSPAPER & EVENTS CALENDAR FOR THE BAY AREA

Let's Hear It for A New Supreme

By Ann Rostow

Published: November 3, 2005

The nomination of Judge Samuel Alito to the High Court was greeted with a now-familiar chorus of concerned rhetoric and calls from the GLBT community for tough confirmation hearings. But there was a deeper sense of outrage and frustration in the tone of the community's response.

"President Bush chose to placate the far right instead of appealing to the fair-minded values of the American people," said Joe Solmonese at the Human Rights Campaign. Over at Lambda Legal, legal director Jon Davidson said Alito's "track record on reproductive freedom, enforcement of civil rights and federalism... raises red flags." Stonewall Democrats charged George Bush with appeasing "the socially conservative political activists who control the Republican party and this White House." **And National Gay and Lesbian Task Force executive director Matt Foreman characteristically declined to mince words:**

"President Bush capitulated to the howling from the extreme, evangelical right and threw them red meat in the form of U.S. Circuit Court Judge Samuel Alito," he wrote. "The country will now be put through a wrenching, divisive and damaging confirmation process. One more travesty inflicted on this nation by the president and his right wing allies."

In an article Wednesday, the New York Times reviewed 15 of Alito's abortion decisions, noting that a strong concept of marriage informed his legal thinking. "People on both sides of the gay marriage debate will be reading many of Judge Alito's abortion opinions with intense interest," wrote the Times' Adam Liptak, who also said that Judge Alito has not been involved in any significant gay rights cases in his 15 years on the appellate bench.

In one widely reported case, however, Alito struck a New Jersey school district's anti-harassment policy on Free Speech grounds. However, the Times took note of another case in which Alito joined the majority on the side of a high school student who had been gay baited and bullied.

Finally, to add to the early confusion, the Boston Globe reports that Alito chaired a student task force on privacy rights during his senior year at Princeton that recommended an end to hiring discrimination based on sexual orientation, and the repeal of sodomy laws.

Alaska's Top Court Mandates Partner Benefits

The Alaska Supreme Court has issued a unanimous ruling ordering the state to institute equal benefits for gay and straight employees. The decision states that the denial of domestic partner insurance and other job perks to partnered gay state workers violates the state's equal protection clause.

"Denying benefits to the same-sex domestic partners who are absolutely ineligible to become spouses has no demonstrated relationship to the interest of promoting marriage," wrote the court.

Filed by the American Civil Liberties Union in 1999, the suit sought to mitigate the damage done by the passage of a constitutional amendment banning same-sex marriage in November 1998. Alaska was one of two states to pave the way for the current spate of anti-marriage amendments. Both Hawaii and Alaska amended their constitutions in response to court rulings in favor of same-sex couples.

Governor Frank Murkowski said he was "outraged" by the decision and pledged to help pass yet another constitutional amendment that would ban domestic partner benefits. The ruling reversed a lower court decision against the ACLU's

plaintiffs, nine gay and lesbian couples with state jobs. Both sides will now submit briefs advising the court on how best to eradicate the discrimination.

Seal of approval

So, it appears on first examination that we are stuck with Sam Alito on the Supreme Court for the next few decades, doesn't it? He's charming and unassuming. He has a Roberts-esque grasp of constitutional law. He has a paper trail the size of an interstate highway, and he has picture perfect credentials, from Princeton on down the line. He even has the photogenic family. Unless he tells the judiciary committee that the Constitution should be redrafted from scratch, he'll slide through the Senate like a seal in syrup.

Normally I try to avoid bizarre and distracting metaphors, but I like that image so I'm keeping it. I envision a baby seal, golden colored with whiskers and small flippers. He's at a water park. It's like a dream sequence because it doesn't make sense. The chute is filled with maple syrup, but it's the runny kind not the sticky kind. The seal is poised at the top in a giddy moment of trepidation. Then, in one brief moment of courage, he flops backwards and lets go, carried smoothly down the slick tube into a clear pool, its surface marred only by the oily residue of the syrup. Back in his element, he barks and splashes with delight. He dives, and cavorts away, seeking playmates and cooler waters. The metaphor descends with him into complete irrelevance.

Sam's Silver Lining

Breaking news! Here's an e-mail from the Human Right Campaign telling us that the Boston Globe has unearthed an encouraging piece of information about our newest justice-to-be. It seems that Alito chaired a task force at Princeton that recommended ending sodomy laws and banning sexual orientation discrimination in hiring. The 17-member panel was assigned to study "the boundaries of privacy in American society."

"We all believe that privacy is too often sacrificed to other values," wrote the 21-year-old Alito in the introduction. "We all believe that the threat to privacy is steadily and rapidly mounting; we all believe that action must be taken on many fronts now to preserve privacy."

Let's Get Sealious

Yes, he was just a kid. But so far, I'm not too discouraged about this guy. Like Roberts, he has no anti-gay record that we've seen so far. He doesn't seem to be a Crazy Kristian. His abortion rulings are based on law, not created out of thin air. Wednesday's New York Times had an article describing his commitment to the institution of marriage as a gateway to rights and responsibilities, and implied to some degree that this attitude would not serve the cause of same-sex marriage advocates in the future.

Bay Times legal analysts disagree. All the arguments in favor of same-sex marriage are grounded in the idea that marriage is a unique and irreplaceable institution, and that the right to marry the person of your choice is fundamental. A justice who takes the status of marriage that seriously, who harbors no animus against gays and lesbians, and who respects the constitution, is probably going to vote our way. But it's essential that the Court avoid the question of marriage equality for another few years at least. Every year that passes brings the American center closer to understanding and respecting same-sex families, and makes a High Court victory immeasurably more likely. To jump the gun and lose would be disastrous.

It would be as if the seal I was mentioning before went down the chute before the maple syrup was in there. Let's say the chute was filled with a heavy black tar and the seal didn't realize it. He was so eager to reach the Pool of Equal Marriage Rights below that he threw himself down the chute before the tar had been cleaned out. In an instant his little body was stuck to the side, his struggles useless, his dreams dashed. I see him slumped against the tar in resignation, crying softly.

News Crunch

That was such a sad image. My heart is heavy as I turn to the rest of the news, which I must jam into my rapidly diminishing column inches.

In Michigan, the state appellate court has put a stay on last month's state court ruling in favor of domestic partner rights. I'm sure you remember the details of that ACLU case that challenged the Attorney General's interpretation of the newly passed anti-gay constitutional amendment. Am I right? No? Well the bottom line is that no one knows whether the anti-

marriage amendment prevents state authorities from authorizing domestic partner rights. The court of appeals will review the question. Whatever that court decides will be appealed to the state supreme court. And in the meantime, domestic partner programs will continue in some places and be stalled in others, depending on the whim of whoever makes such decisions.

That wasn't so hard. Learning about the fits and starts of our vibrant civil rights movement can be fun. Let's continue! Lambda Legal convinced an administrative law judge in Arizona that the state Medicaid program must pay for a liver transplant for an HIV-positive woman. Mr. Sulu from Star Trek has come out of the closet at the age of 68. And the bad guys in Florida are behind in their anti-marriage petition gathering, having certified only 101,800 of the 611,009 names they need by Feb. 1.

Moving on, the ACLU filed written briefs before the U.S. Court of Appeals for the Eighth Circuit in their case against the Nebraska marriage amendment, and Troy Perry has passed the helm of the Metropolitan Community Church over to a woman named Nancy Wilson. Wilson and company are trying to launch a new mission called "Focus on the Human Family," much to the distress of James Dobson, et. al., over at Focus on the Family. I think Dobson's minions have called their lawyers over this development, but I lost the printout and can't say for sure. Personally, I don't think we need to be stealing jargon from the Other Side, but what the hell. They stole Parents and Friends of Ex-lesbians and gays. I just hope we can all identify which missions and organizations are ours so that we don't start sending checks to Colorado Springs by accident.

Lights, Camera, Action

There's some other stuff, but those last three paragraphs tired me out. Oh. Speaking of Focus on the Family, did you know that "Pornography Awareness Week" began Sunday, Oct. 30? Focus on the Family gave me the scoop in their newsletter, and I, for one, plan to mark the occasion with diligence. "By increasing awareness," writes Focus, "people have the chance to impact their own families, their churches and their communities."

Checking my calendar, I see that I have already allowed three and a half precious days to elapse without doing my part to increase awareness of pornography among my friends, family and community. If I'm going to make an impact, I must get, um, rolling.

TXT Newsmagazine



Volume 4, Number 44 | November 3 - 9, 2005

POLITICS

Progressives Take Aim at Alito

Gay groups join choice and labor groups in expressing alarm over new court pick

By STEFEN STYRSKY



President George W. Bush on Monday nominated Judge **Samuel Alito** as a Supreme Court associate justice to replace the retiring Sandra Day O'Connor. Progressive and LGBT groups quickly criticized the president for pandering to the Republican Party's right wing, which they said had sunk his previous nominee, White House counsel Harriet Miers .

Fifty-five year old Alito, a graduate of Princeton and Yale Law School, was placed on the federal Third Circuit Court of Appeals, based in Philadelphia, by Bush's father in 1990. On that court, Alito gained a reputation as a thoughtful but conservative judge. Some pundits have called him "Scalito," suggesting that his jurisprudence echoes the sharply conservative posture of Justice Anthony Scalia, the Court's fiercest opponent of gay rights and choice. Before going on the federal bench, Alito's previous experience included time as a deputy attorney general under President Ronald Reagan and as U.S. prosecutor in New Jersey.

Alito's profile is also similar to that of Chief Justice John Roberts, who, after some skirmishes between Senate Democrats and the White House over release of documents from Roberts' time as deputy solicitor general in the George H. W. Bush administration, enjoyed a fairly congenial confirmation process this past summer. Alito has a longer conservative record on the federal judiciary than did Roberts, but he has not necessarily handed progressive opponents any smoking gun with regard to his views on Roe v. Wade, privacy, or LGBT rights.

But gay civil rights organizations and other progressive groups are already raising the alarm about him. Of particular concern is the report that Bush consulted with far right groups in settling on the nomination.

Eric Stern, executive director of the National Stonewall Democrats, although quick to say that it was too early to know if Alito's record made him a suitable nominee, said the entire selection process should gravely concern Americans.

"This simply rewards the bad behavior of the radical right," Stern said. "These organizations are hateful and intolerant and are being given a direct input on American policy. They're making decisions for America that are inconsistent with the beliefs of most Americans."

Indeed, after the Washington Post reported on Monday that the Concerned Women for America, a conservative and anti-gay organization, had said Bush solicited its opinion on Alito's possible nomination, the group's chief counsel, Jan LaRue, confirmed in an interview that the group was contacted by the administration.

"We were consulted," LaRue said. "He was at the top of our list. We're very pleased that he was picked."

Matt Foreman, executive director of the National Gay and Lesbian Task Force, in a terse statement, said, "The country will now be put through a wrenching, divisive, and damaging confirmation process. One more travesty inflicted on this nation by the president and his right-wing allies."

People for the American Way (PFAW) also came out swinging. Arguing that Alito is completely out of the mainstream of jurisprudence, the organization asserted in a release that he has opposed virtually all civil right claims brought before him.

“Bush completely caved to the extreme right wing,” said Judith Schaeffer, PFAW’s legal director, who confirmed the group would oppose Alito’s nomination. “He’s supposed to be the president of all Americans, but the radical right is pulling the strings.”

A similar statement was made by Joe Solmonese, president of the Human Rights Campaign.

“President Bush chose to placate the far right instead of appealing to the fair-minded values of the American people,” he said. “Alito is the far right’s choice.”

Solmonese later allowed that Alito’s chairmanship of a task force while a senior at Princeton in 1971 indicated he might have sensitivity to LGBT issues. According to the Boston Globe, the task force was part of a class assignment on privacy rights, and that Alito’s group concluded that sodomy should be decriminalized and job discrimination against gays and lesbians illegal.

The Log Cabin Republicans indicated the group would reserve judgment on Alito.

“Log Cabin will carefully study Alito’s record along with his writings and his testimony during confirmation hearings, particularly as they relate to questions of basic fairness for gay and lesbian Americans,” said Log Cabin president Patrick Guerriero in a written statement.

Lambda Legal raised what the group termed “red flags” regarding Alito’s past rulings and what they suggest about how gay rights cases might fare before him. Jon Davidson, the group’s legal director, said potential hostility to *Roe v. Wade* on any judge’s part should concern LGBT Americans.

“*Roe* is the foundation for *Lawrence*,” he said, referring to the 2003 Supreme Court ruling that struck down sodomy laws. “The privacy right of what you do with your body that was the foundation of *Roe* is inextricably linked to *Lawrence*. If *Roe* falls, *Lawrence* could be in jeopardy.”

In a 1991 Pennsylvania case, Alito, on a three-judge panel, dissented, arguing to uphold a requirement that a woman notify her husband before she receives an abortion. His opinion did not include any wording critical of *Roe v. Wade*. The Supreme Court upheld the Third Circuit majority, rejecting Alito’s dissent, in a broader ruling that was viewed as a critical upholding of the original *Roe* decision.

Davidson also noted that while in Reagan’s Department of Justice, Alito was responsible for co-authoring a policy that would have allowed employers to fire HIV-positive workers, even though it was already known then that the virus was not communicable through casual contact.

“What we don’t know is if he was just doing his job by carrying out policy or if he was coming up with these policies, or even if he has changed like the rest of country in their view of the disease,” Davidson said.

Of equal concern to Davidson were Alito’s views of the federal government’s powers to impose obligations upon the states. In a 2000 opinion, Alito ruled that state government employees could not sue under the federal Family Medical Leave Act, a law that provides workers with the ability to take time off to assist loved ones with critical health care challenges.

“Not that gays and lesbians are covered by the FMLA, but if Congress were ever to enact any type of LGBT employment protection or domestic partner benefits, it’s not obvious if Alito would consider that something Congress is actually empowered to do,” Davidson said.

It is also unclear how much opposition Alito will encounter as he continues the rounds of get-to-know-you meetings with senators, and then progresses to Senate Judiciary Committee hearings. Already Bush has called for an up or down confirmation vote before the New Year, signaling his intention to battle any effort at a Democratic filibuster.

“There’s no way you can do an honest hearing by the end of December, or a fair hearing,” said Vermont Senator Patrick Leahy, the senior Democrat on the Judiciary Committee.

Even the Republican chairman of the Senate committee, Arlen Specter of Pennsylvania, said he did not think it was “realistic” to expect hearings before the end of the year given the importance of the nomination.

The pressure on the Bush administration to get the process completed is intense. Faced with the perjury indictment and subsequent resignation of Vice President’s Dick Cheney’s chief of staff, what is increasingly perceived as a foundering Iraq policy, the poor response to Hurricane Katrina, and the sudden crash of the Harriet Miers nomination under conservative pressure, Bush desperately wants a quick vote on Alito to claim at least one victory at year’s end.

Also at stake is Bush’s legacy. Justice Sandra Day O’Connor has been the swing vote on dozens of cases that moved the court to a more centrist, if not liberal, slant. O’Connor provided one of the six votes in Lawrence sodomy majority.

“The big question is will LGBT people get a fair shot with him on the court,” said Lambda’s Davidson. “That’s what we’re trying to find out.”